

HAMPTON PLANNING BOARD – MINUTES

April 16, 2003

PRESENT: Thomas Gillick, Chairman
Robert Viviano, Vice Chairman
Tracy Emerick, Clerk
Jack Lessard
Tom Higgins
Keith Lessard
Skip Sullivan, Selectman Member
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members.

Mr. Gillick then asked Mr. Emerick to lead the Pledge of Allegiance.

I. CONTINUED PUBLIC HEARINGS:

1. Vertical Building & Development Company, LLC
Site Plan Review for 49 Unit Condominium with 2 retail stores at
Ocean Boulevard, J & K Streets
Map 293, Lot 008; Map 290, Lots 144, 145, & 146
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.

Mr. Stephen Yas and Mr. Peter Saari introduced themselves as representing the applicant. Their purpose for attending tonight's meeting was to respond to questions the Board previously had. Mr. Gillick asked Mrs. Kimball to clarify the outstanding questions - initial public hearing 1 ½ months ago the Board requested additional information prior to taking any action on:

- Sun study – received today
- Parking layout – received today
- Traffic study – fax delivered from Jones & Beach (Joseph A. Coronati)
With memo attached from Stephen G. Pernaw & Company (traffic engineer)
received today.

Mr. Gillick expressed his concern that the information the Board requested just arrived today (April 16, 2003) and no one has had an opportunity to properly review the information provided.

Peter J. Saari offered his opinion there would not be much input required from them regarding the sun study and the traffic study is self-explanatory. Mr. K. Lessard addressed the point that there were only four or six cars ever parked on this property, as there was no active parking previously at the site. He went on to add when the report reads "these uses had approved parking", it was, in fact, at municipal or satellite parking lots – hence, to say there were vehicles there, he disagrees with that just from knowing the area – the report says its less cars and less traffic and Mr. K. Lessard disagrees with that – to have the traffic study say that there were cars on this property is false. Peter J. Saari agreed with that. Mr. Yas interjected what were existing use parking was across the street, etc... now parking would be found onsite – meaning significantly better traffic situation and less trip generations. Mr. Sullivan inquired is the traffic study is being done exclusively by using book standards (and not actual counts)? Mr. Yas answered yes.

Mr. Sullivan asked if the study took time frames into consideration (ie summer traffic, etc...). and the impact one would have on the other. Peter Saari could not explain what hours they were calculating in the study (peak on Saturday -vs- peak on Sunday, etc...) Mr. Gillick reads the faxed memo dated April 16, 2003, from Joseph Coronati – “the proposed development will have 10 times less traffic than the existing businesses currently located on the property – we feel because of this and the reasons in Mr. Pernaw’s letter, that a full traffic study is not warranted in this case”.

Mr. Gillick the fact is it is not fair for this Board to make decisions based on things that were just handed in.

Mr. Sullivan suggests that upon opening the public hearing to have NEW subjects to be heard – no rehashing of items already discussed.

Peter J. Saari asked how the departmental reviews would be handled. Mrs. Kimball informed that this application was not sent to departmental review because it was considered incomplete at the time. Mrs. Kimball also added the Board did ask last time that the review of the plan be consistent with the Hampton Beach Area Master Plan and asked to contact the Cecil group. Mrs. Kimball read their response letter dated March 25, 2003 – regarding the services they would provide and fees required.

Mr. Gillick brought up a point of having an escrow account set up for this application. Mrs. Kimball agreed it would be a useful resource and bound by the Board’s regulation should there be a need for independent reviews. Peter J. Saari agreed it is a good idea for all applications that come in.

Mr. Higgins brings up the fact of the Hampton Beach Commission being set up. Mrs. Kimball explains the purpose of this particular commission is to implement the Master Plan that the Town of Hampton and the State of NH adopted, they would be the ones to review it annually (or on an appropriate time frame) to update it, and make recommendations to the Board for ideas to review projects and funding for projects, etc... The House passed it and it is with the Senate now. We do not have this at our disposal right now.

Mr. K. Lessard inquires will this be the commission that will monitor the shadows, parking and impacts of this sort. Mr. K. Lessard is expecting some written feed back regarding this project. Mrs. Kimball suggests the Board send something to NH Department of Resources and Economic Development (DRED) being they are an abutter and may have comments.

Mr. Sullivan adds it is difficult to sit and wait for the legislature to approve these type committees when it can be a useful tool right now.

Mr. Gillick asked the Board to come to a consensus of not requiring a full traffic study.

CONCENSUS: no need for a full impact traffic study, just impacts on J & K Streets.

Mr. K. Lessard expressed concerns for shade on the beach sand created by the square footage of this project. Mr. Yas misunderstood and will revise his report.

OPEN PUBLIC HEARING:

Ms. Kim Barrone of 8 K Street introduced herself. She brought pictures of the traffic blocks that currently inconvenience this neighborhood on typical delivery days (no loading zones). Her concerns consisted of the traffic and cars impacting the area, lighting will be necessary for safety issues however, will certainly impact her property and inside her home, the exhaust from the parking area will effect her current 'fresh air' space.

Mr. Michael Scanlon of 4 J Street introduced himself. His points are:

- 1). A traffic plan is necessary at least the one day in July and August.
- 2). The entrances to J Street and exit of K Street are becoming driveways for this development.
- 3). Water infield calculations previously done on initial engineering were used with at least two restaurants with expired variances
- 4). Each separate utility easement (at least two, possibly three of the six lots) will have to be addressed - a manhole cover was replaced because a grader knocked it over and then a plow hit it this past winter – the new line will be 8' - 10' deep and the foundation will be greater than 10' deep, probably closer to 12' (a guess).
- 5). The height and scale on the rendition is incorrect (based on McGuirk and Trafficante building) – if it was scaled correctly it would be at least 1 ½ stories higher than the rendition currently shows.
- 6). What happens to the jurisdiction of this project when the group of abutters appeals at Superior Court this week?

Mr. Mark Cobb of 8 K Street introduces himself and expresses his concern on how it is intended to maintain the building with zero set backs.

Mrs. Geannina Guzman-Scanlon of 4 J Street introduces herself and expresses her fundamental issues that still have not been addressed. She feels strongly that the abutters continue to have ongoing communications despite the request for new items and no rehashing from the Board. She states her facts of concerns as something that affects lively hood, business, and property value.

Mr. Gillick responded to Mrs. Guzman-Scanlon that he understands her concerns and feelings. The Board is charged with the responsibility of seriously listening to and assembling input from the public.

Mrs. Guzman-Scanlon went on to state some of her concerns:

- 1). The Master Plan recommends buildings that reflect the New England beach character and landscaping that realize an important visual relief of their relatively high density of the classic village scale of the neighborhood. This building does not reflect the current character of the beach or neighborhoods, from one end of the beach to the other and, therefore, does not conform to the Master Plan.
- 2). It is stated on the Master Plan the current density of the beach was done by improper planning. We have an opportunity to correct errors of the past – there is no justification in planning an approval of a building that has “0” set backs, “0” buffers which is a detriment to all of our properties.
- 4). Even though the project in front of the Board is planned with variances, the Board can still vote the buffers and set backs that we are requesting to provide access, safety, etc...

- 5). Mrs. Guzman-Scanlon is asking the Board to establish criteria on how the traffic study is accomplished. To allow the applicant to do a study however they see fit is not considering the abutter issues: the exhaust, the safety, the high insurance premiums, the danger of cars being hit, the cleaning of the streets in winter.
- 6). The Master Plan discusses enjoyment and views in land use - street patterns and open areas allow many people to enjoy their scenic views.
- 7). Regarding safety issues of fire hazards and emergency services - How will surrounding areas be serviced?
- 9). The Master Plan asks to conform to zoning ordinance and responsible land use.

Mrs. Guzman-Scanlon asked the Board for permission to rewrite her letter highlighting the facts. Mr. Gillick grants permission.

Mr. Gillick acknowledges receipt of a letter dated April 16, 2003 from Jeanne M. Lilienthal of 7 J Street. Mr. Gillick explains to the Board that we have heard from Ms. Lilienthal before and her letter outlines areas of concerns previously heard.

SUSPEND - PUBLIC HEARING.

Mr. Tom Higgins requested the applicant to personally speak to the two immediate abutters to the west of the property and explain the set-backs and walls variances.

Mr. K. Lessard **MOTIONED** that there be established an escrow account in the initial amount of \$5,000.00 for payment of independent review fees in connection with The Majestic (Vertical Building & Development) application.

In addition, continuance of "The Majestic" application to May 21, 2003 subject to:

1. Response to the traffic analysis submitted as follows:
 - Does this project have an impact on the traffic (specifically J & K Streets)?
 - What are the impacts?
 - What does the applicant propose to do to mitigate these impacts?
2. Departmental, Aquarion Water Company, and Independent Engineering reviews;
3. Opportunity to comment on proposal by NH Department of Resources and Economic Development (DRED); and
4. Review by the Cecil Group as referenced in their March 25, 2003 letter.

Mr. J. Lessard **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Sullivan offers his advice, to all abutters in attendance, in an effort to expedite these hearings: "we understand the urgency and need for being heard, please, make your point and do not oversell it".

Mr. Gillick suggests reordering the agenda to hear the Use Change Applicant that has been patiently waiting. Mr. J. Lessard **MOTIONED** to reorder the agenda (as written) in an effort to expedite the attending to be heard applications. Mr. Higgins **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. ATTENDING TO BE HEARD:

1. Andrew Kagan
Use Change application to convert from record store/retail sales to restaurant at
69-71 Ocean Boulevard
Map 293, Lot 68
Owner of Record: Four Brothers Plus One, Inc.

Mr. Andrew Kagan introduced himself as the applicant proposing to convert 69-71 Ocean Boulevard, Map 293, Lot 68 from record store/retail sales to restaurant.

Mr. Sullivan **MOTIONED** to convert 69-71 Ocean Boulevard, Map 293, Lot 68 from record store/retail sales to restaurant. Mr. J. Lessard **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

2. Golden Corridor & Hampton Harbor Condominiums, LLC
Lot Line Adjustments at
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63;
Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;
Golden Corridor LLC; Hampton Harbor Condominiums LLC
3. Golden Corridor & Hampton Harbor Condominiums, LLC
Site Plan Review for 21-unit Townhouse Condominium Development at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC
4. Golden Corridor & Hampton Harbor Condominiums, LLC
Special Permit Application for work within the Wetland Conservation District
associated with the multifamily Site Plan application at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

Mr. Peter Saari and Mr. Joe Coronati introduced themselves as representing the applicant. Mr. Saari asked if the Board did, in fact, receive the escrow money regarding this application. Mrs. Kimball responded, 'yes'. Mrs. Kimball also took the liberty to bring to the Boards attention that the site plan is on hold as not all previous concerns have been addressed. Mr. Gillick suggested that all three applications for Golden Corridor/Hampton Harbor Phase II be continued until further information is provided. Mr. Joseph Coronati agreed to expedite outstanding responses to be in the Boards office by Monday, May 19, 2003, 10:00 a.m. for continuation at the next meeting of May 21, 2003. Additionally, Mr. Coronati expects to have Mr. Stephen Pernaw (Traffic Engineer) at the May 21st meeting.

OPEN PUBLIC HEARING:

Mr. Jack Kavanagh of 14 Duston Avenue introduced himself. He stated he would like to have all outstanding issues addressed by the Friday before the next meeting for the public to be able to review in a timely manner as well.

Ms. Linda Gebhart of 4 Bailey Avenue introduced herself as immediate abutter of this project. She referenced her letter dated April 12, 2003, regarding:

- 1). Mr. Mark Maynard, owner of lot next to them, not taking responsibility for the disruption of their property that his tenants have done. Previously address to Mr. Maynard and Mr. Saari (Mr. Maynard's Attorney), there has been minimal clean up of the area (one, of two cars, removed). She brought pictures of the site and objects in question.
- 2). She is concerned for the jet ski traffic that is quite a disturbance in the water way zone to the immediate front of her property. She brought pictures of this example from the past summer as well.
- 3). Mrs. Gebhart also makes a point, with pictures and facts, that what the plans are calling dune area is, indeed, an 'earthen dike' that was established in 1947. Should this be taken away, who is responsible? Mr. Gillick verified with Mr. Saari that a performance board would be required at that point.
- 4). Additionally, her concerns for the runoff that is respectively handled by her property driveway (pictures also provided of this) – the plans for this project call for a damn and should that be approved this will back up the flowing water and flood.
- 5). Previous question regarding the two houses on Tax Map 298, Lot 1 & 4 that are not being demolished and their water credits being contributed to the condos – is that being straightened out?

Mrs. Kimball read a memo dated March 10, 2003, from Aquarion water regarding the fact of water usage demand. Aquarion can service 21 space units with 2 bedrooms (no 3rd bedroom). The calculations count the two houses, but are not needed for the 21 – 2 bedroom units.

- 6). Mrs. Gebhart would like to eventually build a garage and wants to clarify what impact that would have.

Mr. Gillick suggests the garage issues should be addressed with Building Inspector. Mr. Peter Saari interjected that the Shoreline Protection Bureau would have to be involved. Mrs. Kimball suggested the State of NH Wetlands Bureau as well.

CONTINUE – PUBLIC HEARING.

Mrs. Kimball noted that the Board has not received a statement from the owner Ms. Jayne Gallagher regarding the lot line applications.

Mr. K. Lessard **MOTIONED** to continue all three Golden Corridor Phase II applications to May 21, 2003 subject to:

1. Review by the Fire Department, Department of Pubic Works and Ambit Engineering. The Board will request response no later than May 13, 2003
2. Applicant to submit revised plans and a comprehensive letter discussing all reviews and how they have (or have not) been addressed, by 10:00 a.m. May 19, 2003.

It is the understanding of the Board that the applicant's responsibility is to submit revised information addressing Jeffrey Dirk's comments directly to Vanasse and Associates and the Town Office in a timely manner.

Mr. Sullivan **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick took a moment to introduce Mr. Francis McMahon and Mr. Robert Bilodeau - two (of the three) new alternates recently voted in previously meeting that were in attendance today. It was suggested they familiarize themselves with the rules and regulations found in chapter 673:6.

III. CONSIDERATION OF MINUTES – April 2, 2003:

Mr. Gillick requested a change to page one, third paragraph to read: "Mr. J. Lessard **MOTIONED** to *reorder* the agenda (as written)". Mr. Higgins **MOTIONED** to approve the minutes of April 2, 2003 with the change to page one. Mr. Viviano **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CORRESPONDENCE:

Mrs. Kimball read a letter dated April 15, 2003 from Mr. Peter Saari regarding Jean Boudreau Site Plan application at 35 Ashworth Avenue. The applicant requested to move the hearing on this project to June 4, 2003 due to inability to complete plan changes.

Mr. Sullivan **MOTIONED** to continue the referenced application and waiver request to June 4, 2003 at the applicant's request. Additionally, the Board agreed that the revised plans previously required at its April 2 meeting shall now be submitted by April 30, 2003, and are still subject to review by DPW, the Fire Dept. and Aquarion Water Co. Mr. Viviano **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. OTHER BUSINESS:

Mrs. Kimball to set up rotating schedule for the new Alternates to attend the Board meetings on a regular basis. Additionally, regarding the Master Plan Subcommittee subject will be discussed again at the May 21, 2003 meeting. Anyone interested in serving on this subcommittee to please submit a letter of interest to the Boards office by May 9, 2003.

Mr. Sullivan **MOTIONED** to adjourn. Mr. K. Lessard **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:27 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary

Minutes as amended on May 7, 2003